

Exhibit 18

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH
SCHOOL BASEBALL COACHES ASSOCIATION,
DR. PETER BERG, JUAN HERNANDEZ, DENNIS
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO
NAVARRO, JOHN TORRES, EASTON SPORTS,
INC., WILSON SPORTING GOODS CO.,
RAWLINGS SPORTING GOODS COMPANY, and
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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DECLARATION OF RON DAVINI

I, Ron Davini, depose and state as follows:

1. I am the Executive Director of the National High School Baseball Coaches Association ("BCA"), an Arizona non-profit corporation headquartered in Tempe, Arizona. If sworn as a witness, I could testify competently to the facts contained herein.

2. The BCA is comprised of baseball coaches across the country, including high school baseball coaches in New York City. The purpose of the BCA is to promote the interests of high school baseball coaches throughout the United States, and also to promote and support the game of baseball itself.

3. I am a baseball coach and a former teacher. I have played baseball or coached baseball for over 50 years. I also played professional baseball for 5 years.

4. As a coach, I was named the National Coach of the Year by Major League Baseball and USA Baseball in 1997. In 2005, I was the National High School Baseball Coach of the Year.

5. Although I intended to retire in 2005, I returned to baseball as an Assistant Coach at Chapparral High School in Scottsdale, Arizona, where I still coach today. Around the same time, my national colleagues invited me to take over the BCA. On January 1, 2005, I became Executive Director of the BCA.

6. The first concern of the BCA is safety. At our convention in December of last year in Louisville, Kentucky, many of the most prominent high school coaches in America met to discuss the safety of bats. This issue comes up every year at our BCA meetings because of the importance of this issue. The overwhelming consensus among our coaches is that metal and non-wood composite bats do not present any safety issue to our players whatsoever.

7. The National Federation of State High School Associations ("NFHS") is the governing organization for many of the leagues in which our members coach. The NFHS already adequately regulates metal and non-wood composite bats. Since the NFHS adopted the Bat Exit Speed Ratio (the "BESR" rule) and mandated use of heavier bats with smaller diameters, the BCA is satisfied with the current state of regulation of metal and non-wood composite bats.

8. At our convention in Louisville, there was a lively discussion about coaches' preferences for wood or non-wood bats. The coaches who wanted to use wood did not do so out of safety concerns, but rather chose wood bats based on their preference for a wood bat game. Coaches firmly believe they should have a choice among bats so long as they were all safe for the players. While in the past I have coached with wood bats and metal bats, I believe that players, coaches, and associations should be free to make this choice for themselves.

9. The New York City Ordinance banning the use of metal or non-wood composite bats will harm the many coaches in our organization who coach high school baseball in New York City.

10. The primary harm is due to cost. Aluminum bats run between \$150 and \$350. Wood bats run between \$50 and \$100 for higher quality wood that can actually be used in games. But wood bats are more expensive because players will break several bats over the course of a year.

11. To illustrate, just this past year, I was coaching at the USA Baseball Junior National Trials. The players in these trials use wood bats. On average, these players broke between two and a half to three bats a day.


12. In contrast, the life span of a metal or non-wood composite bat is between two and four years. While some players choose to replace their bats every year, this is not because the former bats are obsolete, it's because they like new models and prefer to use them.

13. If the coaches in our association are forced to mandate that their players use wood bats, this will seriously drive up the cost of playing baseball for these programs.

14. The significant cost issue will likely lead to decreased participation at the New York City high school baseball level. No one appears to have given any consideration to who will pay for the significant expense of replacing the wood bats which will be frequently broken. Many of the players and coaches in New York City public high school leagues cannot be expected to afford the high number of wood bats that will be necessary. For this reason, New York City coaches in our association will be harmed in their ability to develop young players and offer them the positive experience of playing baseball.

I declare under penalty of perjury that the foregoing is true and correct.

This 23 day of MAY, 2007.



RON DAVINI